

Docket No.: IA 1506.01A US
USSN: 09/295,856

PATENT
Art Unit: 2125

REMARKS

Claims 47, 50-53, 56-59, 62-65, 68-71, and 74-78 are pending in the present application.

This Amendment is in response to the Office Action mailed December 34, 2003. In the Office Action, the Examiner objected to the title, rejected claims 47, 51-53, 57-59, 62, 64, 65, 68, 70, 71, 74, and 75 under 35 U.S.C. § 102(e) and claims 50, 56, 63, and 69, 76-68, under 35 U.S.C. § 103(a).

Applicant has amended claims 47, 50, 53, 56, 57, 59, 62, 63, 65, 69 and 71. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. TITLE

In the Office Action, the Examiner objected to the title. In particular, the Examiner stated that the title of the invention is neither descriptive nor precise. Per the Examiner's suggestion, Applicant has amended the title to SYSTEM AND METHOD FOR PROVIDING SELECTIVE ACCESS TO DATA ON AN OPTICAL STORAGE MEDIUM. Therefore, Applicant respectfully requests the objection to the title be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 47, 51-53, 57-59, 62, 64, 65, 68, 70, 71, 74 AND 75 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No.6,470,085 issued to Uranaka et al. ("Uranaka"). Applicant respectfully traverses the rejections for the following reasons.

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Inventor Uranaka discloses a system for permitting only an authentic user to play a desired application contained in a distributed application package (Abstract). The package is distributed together with charged information (Col. 2, lines 21-22). Charged information has been encrypted with a key and recorded on a DVD when obtain by a user (Col. 2, lines 29-31). Unlike the present invention, Uranaka does not disclose the user information to be stored in the BCA and the response is tailored based on a pre-defined condition.

Inventor Uranaka does not disclose, suggest, or render obvious the user information to be stored in the BCA and the response is tailored based on a pre-defined condition.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here the Examiner has not pointed out the specific language in Uranaka that teaches the user information to be stored in the BCA and the response is tailored based on a pre-defined condition.

Uranaka taken alone or in any combination, does not disclose, suggest, or render obvious the user information to be stored in the BCA and the response is tailored based on a pre-defined condition.

Therefore, Applicant respectfully requests that rejection be withdrawn.

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III. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 50, 56, 63, and 68 under U.S.C. § 103(a) as being unpatentable over Uranaka in view of U.S. Patent No. 6,081,785 issued to Oshima et al. ("Oshima"). The Examiner also rejected claims 76-78 under U.S.C. § 103(a) as being unpatentable over Uranaka in view of U.S. Patent No. 5,822,291 issued to Brindze et al. ("Brindze"). Applicant respectfully traverses the rejections for the following reasons.

As stated above Uranaka does not disclose the user information to be stored in the BCA and the response is tailored based on a pre-defined condition.

Oshima discloses optical disks that have auxiliary data recording areas, where different IDs for individual disks, and/or cipher keys and/or decoding keys for ciphers are recorded in advance in a factory (Abstract). The auxiliary data recording areas include Burst Cutting Area (BCA) overwritten with a bar code and, when the disks are manufactured, IDs differing for each disk and, according to the need, cipher keys for communication and decoding keys for decoding key cipher texts for communication, are recorded individually in the BCA areas (Col. 1, lines 37-43). Oshima, however, does not disclose a response that is tailored based on a pre-defined condition.

Brindze discloses a mass storage device that removably supports a mass element and includes a data head having an output for reading tracks of main data elements. (Col. 1, lines 54-56). Brindze discloses a catalog shopping system. The catalog routine enables a user to browse and search for specific items, normal ling without entering a PIN. Only when the user actually orders an item is the PIN necessary (Col. 8, lines 39-50). Brindze does not disclose tailoring a response based on a pre-defined condition.

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Uranaka, Oshima, and Brindze, taken alone or in any combination, do not disclose, suggest, or render obvious tailoring a response based on a pre-defined condition.

Therefore, Applicant believes that independent claims 47, 53, 59, 65, 71 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(e) and § 103(a) be withdrawn.

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CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: March 23, 2004


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